

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20532 of 2013

And

M.P.No.2 of 2013

D.Sakthikumaran

.. Petitioner

-vs-

- 1.State of Tamil Nadu,
Represented by its Secretary,
Department of Home Affairs,
Fort St. George,
Chennai-600 009.
- 2.The Director General of Police,
Kamaraj Salai,
Chennai-600 004.
- 3.Tamil Nadu Services Recruitment Board,
No.807, P.T.Lee,
Chengalvaraya Naicker Maaligai,
Anna Salai,
Chennai-600 002.
- 4.The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
- 5.The Inspector of Police,
Karimangalam Police Station,
Karimangalam,
Palacode Taluk,
Dharmapuri District,
Pin Code-636 802.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the order passed by the fourth respondent in Na.Ka.No.13100/2012/A3 dated 8.1.2013 and quash the same and to direct the respondents 1 to 4 to consider the petitioner for appointment to the post of Grade-II Police Constable in the available vacancy in the Office of the fourth respondent.

For Petitioner - Mr.M.Ramesh for
Mr.M.D.Thirunavukkarasu.

For Respondents - Mr.K.Thangapandi,
Government Advocate.

O R D E R

The relief sought for in this writ petition is to call for the records in pursuant to the order passed by the fourth respondent in proceedings dated 8.1.2013 and quash the same and to direct the respondents 1 to 4 to consider the petitioner for appointment to the post of Grade-II Police Constable in the available vacancy in the Office of the fourth respondent.

2. The learned counsel, appearing on behalf of the writ petitioner, states that the writ petitioner has completed the B.LITT (Tamil) Degree in the year 2010 and thereafter, completed B.Ed., Degree in the year 2012. The writ petitioner had participated in the process of selection for recruitment to the post of Grade-II Police Constable and he got selected in the process of selection. However, an order of appointment was not issued to the writ petitioner. When the writ petitioner approached the respondents, they have served the order of rejection dated 8.1.2013, which is impugned in this writ petition.

3. On a perusal of the order impugned in this writ petition, it is stated that the writ petitioner has suppressed the fact in respect of registration of a criminal case against him in Crime No.835 of 2012 under Sections 147, 323 and 379 IPC before the Karimangalam Police Station. It is stated that the writ petitioner has not mentioned in his application in respect of the pendency of the criminal case. Thus, he has suppressed the fact and accordingly, he is not eligible for appointment to the post of Grade-II Police Constable.

4. The learned counsel for the writ petitioner, in this regard, states that, no doubt, the name of the writ petitioner was found in the copy of the FIR and subsequently, after investigation, a chargesheet was filed before the Competent Court by the Sub-Inspector of Police, Karimangalam Police Station, in which the name of the writ petitioner is not found.

5. The learned counsel for the writ petitioner is of the opinion that, on investigation, it was found that the writ petitioner has not involved in any such criminal case. Thus, the question of suppressing the fact in that application will not arise at all. The writ petitioner also has submitted a copy of

the chargesheet filed by the police in Crime No.835 of 2012.

6. This being the factum of the case, the respondents ought to have considered the case of the writ petitioner for appointment to the post of Grade-II Police Constable. The representation submitted by the writ petitioner, in this regard, also has not been considered by the respondents.

7. In view of the fact that the name of the writ petitioner has been deleted in the chargesheet, filed by the police in Crime No.835 of 2012, the authorities ought to have reconsidered the case of the writ petitioner in respect of his appointment to the post of Grade-II Police Constable.

8. Thus, without going into the merits of the matter, the respondents are directed to reconsider the case of the writ petitioner and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to communicate the copy of the representation and the related documents along with the order passed in this writ petition.

9. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

Svn

To

1.The Secretary,
State of Tamil Nadu,
Department of Home Affairs,
Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Kamaraj Salai,
Chennai-600 004.

WEB COPY

3.Tamil Nadu Services Recruitment Board,
No.807, P.T.Lee,
Chengalvaraya Naicker Maaligai,
Anna Salai,
Chennai-600 002.

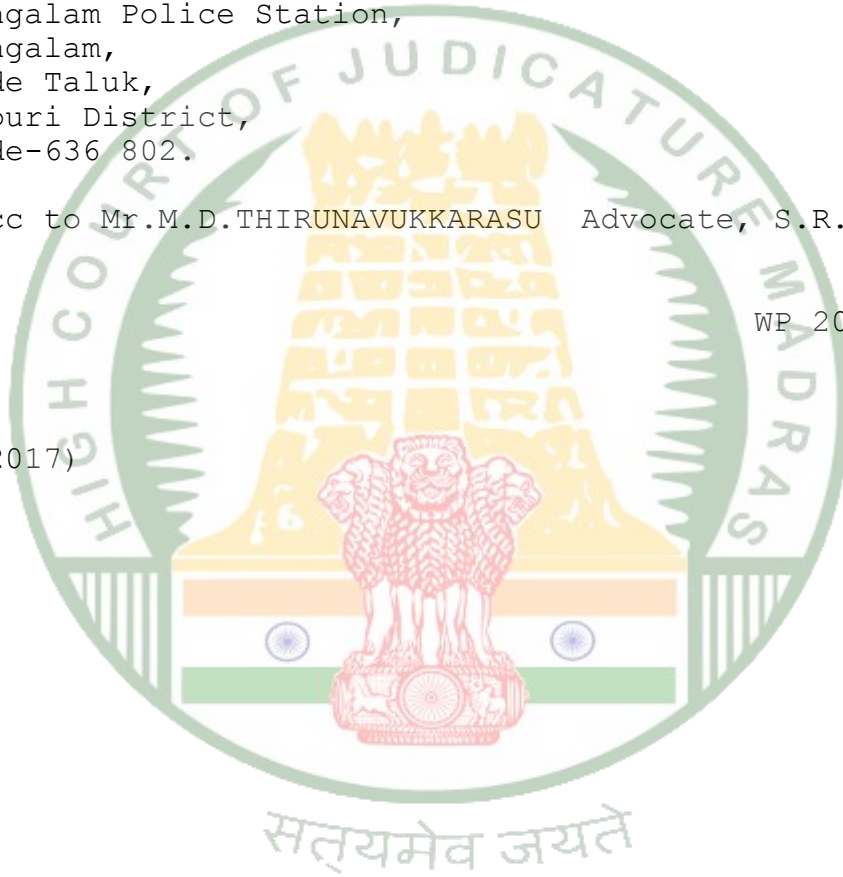
4.The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

5.The Inspector of Police,
Karimangalam Police Station,
Karimangalam,
Palacode Taluk,
Dharmapuri District,
Pin Code-636 802.

+1cc to Mr.M.D.THIRUNAVUKKARASU Advocate, S.R.No. 82820

WP 20532 of 2013

TR(30/11/2017)



WEB COPY